

Proposed Changes to Utah Underground Storage Tank Rules

Draft- for stakeholder comments. 10/6/03. Explanations of the proposed changes are italicized.

General- Several changes are made throughout the rules to improve punctuation and grammar, correct law, rule, and regulation citations, and be more correct and consistent in rule text formatting. Other changes are made to clarify the wording. The meaning remains the same, but the text is revised to be easier to read and understand.

R311. Environmental Quality, Environmental Response and Remediation.

R311-203. Underground Storage Tanks: Notification, New Installations, ~~and~~ Registration Fees, and Testing Requirements.

R311-203-1. Definitions.

Definitions are found in Section R311-200.

R311-203-2. Notification.

(a) The owner or operator of an underground storage tank shall notify the Executive Secretary whenever:

- (1) new USTs are brought into use;~~[-or]~~
- (2) the owner or operator changes;~~[-or]~~
- (3) changes are made to the tank or piping system; or
- (4) release detection, corrosion protection, or spill or overfill ~~[protection]~~prevention systems are installed, changed or upgraded.

(b) All notifications shall be submitted on the current approved notification form within 30 days of the completion of the work or the change of ownership.

(c) Notifications shall include the latitude and longitude of the facility.

(d) To satisfy the requirement of Subsection 19-6-407(1)(c) the certified installer shall:

(1) complete the appropriate section of the notification form to be submitted by the owner or operator, and ensure that the notification form is submitted by the owner or operator within 30 days of completion of the installation; or

(2) provide separate notification to the Executive Secretary within 60 days of the completion of the installation.

R311-203-3. New Installations, Permits.

(a) Certified UST installers who intend to perform any of the activities listed in R311-203-3(c) or R311-203-3(d)(1) through (4) shall notify the Executive Secretary at least 30 days before commencing the activity.

(b) The fees assessed under 19-6-411(2)(a)(i) shall be determined based on the number of full UST installations performed by the installation company in the 12 months previous to the fee due date. Installations for which the fee assessed under 19-6-411(2)(a)(ii) and R311-203-3(c) is charged shall count toward the total installations for the 12-month period.

(c) The UST installation company shall submit to the Executive Secretary an UST installation permit fee of \$200 ~~[for]~~when the following work is performed on an UST system which has not qualified for a certificate of compliance before the commencement of the work:

- (1) each full UST system installation;
- (2) the installation of underground product piping for one or more tanks at a facility, separate from the installation of one or more tanks at a facility;
- (3) the internal lining of a previously-existing tank;
- (4) the installation of a cathodic protection system on one or more previously-existing tanks at a facility where the structural integrity of the UST was required to be assessed, or there is no documentation of a properly working cathodic protection system on the UST within 10 years of the proposed upgrade;

- (5) the installation of a bladder in a tank, or any other retro-fit, replacement, or installation that requires the cutting of a manway into the tank, or
- (6) installation of other UST system components as determined by the Executive Secretary.

R311-203-3(c). The Underground Storage Tank act provides that certified installation companies pay yearly fees and a tank installation permit fee of \$200 per tank to receive coverage under the Petroleum Storage Tank fund, but the Act limits the coverage to work done before the certificate of compliance is issued for the facility (19-6-424(2)). The Act (19-6-411(2)(b)) also specifies that the Board shall "make rules specifying which portions of an underground storage tank installation shall be subject to the permitting fees when less than a full underground storage tank system is installed." As currently written, the rules require payment of the \$200 per tank installation company permit fee for situations where less than a full installation is performed: new piping installation, cathodic protection system installation, tank lining, etc. Because the Fund only covers work done before the certificate of compliance is issued, much work is performed for which the installation company receives no coverage, because the certificate of compliance already issued remains in force during the upgrade. The rule is changed to specify that the \$200 fee is paid only for a full UST installation and for certain work done on a tank which does not have a certificate of compliance (upgrade of a non-certified tank, for example). The changes will remove the requirement that the installation company pay the fee in situations when the company does not receive any PST Fund coverage.

(d) The UST installation permit fee shall not be required when the following activities are performed separately from the activities listed in R311-203-3(c):

- (1) installation of spill prevention devices;
- (2) installation of overfill prevention devices;
- (3) installation of a leak detection monitoring system;
- (4) installation of an automatic line leak detector; or
- (5) replacement or repair of valves, dispensers, or leak detection system components.

(e) When a new ~~[tank]~~UST system, tank only, or product piping only is installed, the owner or operator shall submit to the Executive Secretary a site plat or an as-built drawing, to scale, which shall include: the excavation, buildings, tanks, product lines, vent lines, cathodic protection systems, tank leak detection systems, and product line leak detection systems.

(f) For the purposes of Sections 19-6-411(2)(a)(ii), 19-6-407(1)(c), and R311-203-2(d), an installation shall be considered complete when:

(1) in the case of installation of a new UST system, tank only, or product piping only, the new installation first holds a regulated substance; or

(2) in the case of installation of the components listed in Section R311-203-3(c)(3) through R311-203-3(c)(6), the new installation is functional and the UST holds a regulated substance and is operational.

(g) If, before completion of an installation for which an UST installation permit fee is required, the owner or operator decides to install additional UST system components, the installer shall notify the Executive Secretary of the change. When additions are made, the UST installation permit fee shall not be increased unless the original UST installation permit fee would have been higher had the addition been considered at the time the original fee was determined.

(h) The number of UST installation companies performing work on a particular installation shall not be a factor in determining the UST installation permit fee for that installation. However, each installation company shall identify itself at the time the UST installation permit fee is paid.

R311-203-4. Underground Storage Tank Registration Fee.

(a) Registration fees shall be assessed by the Department against all tanks which are not permanently closed for the entire fiscal year, and shall be billed per facility.

(b) Registration fees shall be due on July 1 of the fiscal year for which the assessment is [being made, or, for underground storage tanks brought into use after the beginning of the fiscal year, underground storage tank registration fees shall be due when the tanks are brought into use, as a requirement for receiving a certificate of compliance.

(c) The Executive Secretary may waive all or part of the penalty assessed under Subsection 19-6-408(5) if no fuel has been dispensed from the tank on or after July 1, 1991 and if the tank has been properly closed according to Sections R311-204 and R311-205, or in other circumstances as approved by the Executive Secretary.

(d) The Executive Secretary shall issue a certificate of registration to owners or operators for individual underground storage tanks at a facility if:

(1) the tanks are in use or are temporarily closed according to 40 CFR Part 280 Subpart G[~~adopted by Section R311-202~~]; and,

(2) the underground storage tank registration fee has been paid.

R311-203-5. UST Testing Requirements.

~~(a) Tank tightness testing. The testing method must be able to test the UST system at the maximum level which could contain regulated substances. Tanks with overfill prevention devices that prevent product from entering the upper portion of the tank may be tested at the maximum level allowed by the overfill device.~~

~~(b) Automatic line leak detector testing. Line leak detectors shall be tested annually for functionality according to 40 CFR 280.44(a) and R311-200-1(x). The test shall simulate a leak and provide a determination based on the test whether the leak detector functions properly and meets the requirements of 40 CFR 280.44(a). If a sump sensor is used as an automatic line leak detector, the sensor shall be located as close as is practical to the lowest portion of the sump.~~

~~(c) Containment sump testing. When a sump sensor is used as a leak detector, the secondary containment sump shall be tested for tightness annually according to the manufacturer's guidelines or standards, or by another method approved by the Executive Secretary.~~

~~(d) Cathodic protection testing. Cathodic protection tests shall meet the inspection criteria outlined in 40 CFR 280.31(b)(2), or other criteria approved by the Executive Secretary. The tester who performs the test shall provide the following information: location of test points, test results in volts or millivolts, pass/fail determination for each tank, line, flex connector, or other UST system component tested, the criteria by which the pass/fail determination is made, and a site plat showing locations of test points.~~

~~(e) UST testers performing tank and line tightness testing shall include the following as part of the test report: pass/fail determination for each tank or line tested, the measured leak rate, the test duration, the product level for tank tests, the pressure used for pressure tests, the type of test, and the test equipment used.~~

R311-203-5. This section is added to provide requirements for UST testing. Changes are proposed in R311-200 and R311-201 to redefine UST testing to include automatic line leak detector testing and cathodic protection testing, and to require that individuals who perform those tests be certified as UST Testers. R311-203-5 is added to provide requirements for tank, automatic line leak detector, containment sump, and cathodic protection testing, and to specify the information to be submitted by the tester with the test results.

KEY: fees, hazardous substances, petroleum, underground storage tanks*

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